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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

KAREN M. BLACK : DOCKET NO. 2:11-1439
VS. : JUDGE TRIMBLE
CUBIC APPLICATIONS, INC. : MAGISTRATE JUDGE KAY

MEMORANDUM RULING

Before the Court is a "Motion and Order to Set Attorneys' Fees" (R. #45) filed by defendant, Cubic Applications, Inc. ("Cubic") and Huzal, Veazey, Felder & Renegar, LLC and a Bill of Costs (R. #46) wherein the defendants pray that Plaintiff, Karen Black be ordered to pay \$19,857.92 plus additional attorney fees incurred in defending any post-trial motions filed by plaintiff. As of this date, no post-trial motions have been filed. The Bill of Costs in this matter totals \$529.46.

This case presented no complex issues for disposition. There was never an issue that defendant violated any contract with plaintiff which prohibited her termination. Louisiana is an at-will employment state and it was never suggested that Louisiana's general employment law in that regard did not apply. The sole issue in this case was whether the plaintiff's employment had been terminated in violation of LRS 23:1361., i.e., in retaliation for her filing a workers' compensation claim.

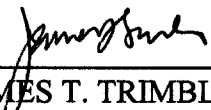
The fallacy of the retaliation claim could have been easily established by taking the deposition of the plaintiff. It would have revealed that she had no basis whatsoever for the retaliatory allegation. In addition, defendant had the supervisor, Mr. O'Connor, who could have

provided an affidavit stating the real grounds for termination which were entirely legal and appropriate. With the deposition and affidavit, the defendant would have had all the evidence required to support a motion for summary judgment. The undersigned can think of no reason why summary judgment would have been denied under the circumstances of this case.

In view of the foregoing, the court is of the opinion that an award of 50% of the attorney fees and the Bill of Costs reduced by the witness fees (\$40.00) and mileage (\$69.36) is appropriate. Based on the court's calculations, attorneys fees in the amount of \$9,928.96¹ plus costs of \$420.10 will be awarded.²

IT IS HEREBY ORDERED that the motion for attorney fees is **GRANTED**, and Judgment will be rendered accordingly.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 19th day of March, 2013.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE

¹ \$19,857.92 X 50%.

² \$529.46 - \$40.00 - \$69.36.